

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

06-cr-65-wmc-1

JOHN FRANK,

Defendant.

A hearing on the probation office's petition for judicial review of John Frank's supervised release was held on October 11, 2012, before U.S. District Judge William M. Conley. The government appeared by Assistant U.S. Attorney Jeffery M. Anderson. Defendant was present in person and by Associate Federal Defender Erika L. Bierma. Also present was U.S. Probation Officer Michael J. Nolan.

FACTS

The violations in this case were previously established on the record during formal Court Intervention Program proceedings.

Defendant's conduct falls into the category of a Grade C violation. Section 7B1.3(a)(2) of the advisory guidelines provides that the Court has the discretion to revoke supervised release, extend it or modify the conditions of release.

CONCLUSIONS

Defendant's violations warrant revocation. Defendant's criminal history category is IV. A Criminal History Category IV and a Grade C violation result in an advisory guideline

range of imprisonment of 6 to 12 months. The statutory maximum to which defendant can be sentenced upon revocation is two years, pursuant to 18 U.S.C. § 3583(e)(3), which provides that a person whose term of supervised release is revoked may not be required to serve more than two years if the offense for which defendant was sentenced previously was a Class C felony.

After reviewing the non-binding policy statements of Chapter 7 of the Sentencing Guidelines, I have selected a sentence well below the guideline range. The intent of this sentence is provide the defendant an opportunity to comply with his supervision but without the benefit of the Court Intervention Program.

ORDER

IT IS ORDERED that the period of supervised release imposed on defendant on September 13, 2006, and affirmed on October 23, 2007, is CONTINUED. The defendant is ordered removed from the Court Intervention Program (CIP) and released from custody to continue on the three-year term of supervised release. All standard and special conditions of supervised release previously imposed shall remain in effect.

Entered this 11th day of October 2012.

BY THE COURT:

/s/ William Conley

WILLIAM M. CONLEY
U.S. District Judge